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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,023	11/21/2001	Donald J. Glaser	100.349US01	2756
34206 7590 12/20/2007 FOGG & POWERS LLC 10 SOUTH FIFTH STREET SUITE 1000 MINNEAPOLIS, MN 55402			EXAMINER JONES, PRENELL P	
			ART UNIT 2619	PAPER NUMBER
			NOTIFICATION DATE 12/20/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@fogglaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/990,023	<b>Applicant(s)</b> GLASER ET AL.	
	<b>Examiner</b> Prenell P. Jones	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/20/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-9,11-47 and 49-70 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,5,7-9,11-35, 47 and 49-70 is/are allowed.
- 6) ☒ Claim(s) 36-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments with respect to claim 36-47 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the Nikolich (US Patent No. 6,853,680) fails to teach all the limitations of claim 36. Examiner withdraws previous rejection. However, an additional search has been performed.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 41, 42, 45 and 46 recites the limitation "the redundant" in line 2, "the alternate redundant remote slot" in line 2-3, "the redundant remote" in line 2-3, and "the redundant" in line 1-3 respectively. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 36-38, 40, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Struhsaker et al (US Pat 6,188,912) in view of Chidambaran et al (US Pat 6,894,969).

Regarding claim 36, 43 and 44, Struhsaker discloses fault monitoring associated with a remote circuit associated with a remote shelf enclosure having a plurality of remote unit slots (Abstract, col. 8, line 47-51, Fig. 5, col. 7, line 26-51, col. 5, line 42-67, a wireless communication system wherein utilization of protection switching is implemented, whereby the architecture includes a base station as a remote location, and the remote base station is a remote base-station shelf enclosure that includes multiple shelves along with multiple card slots, remote unit slot, and a power supply module slot); a remote unit card having a remote unit removably coupled in each remote unit slot; a protection remote unit card having a protection remote unit removably coupled in the protection remote unit slot (col. 5, line 42-67, col. 8, the remote base station enclosure accommodates a plurality of cards, which in turn consist of ports for interface connection for communicating, a power supply module card having a power supply module removably coupled in the power supply module card slot (col. 8, Fig. 11 and 12, line 5-49, a plurality of cards and multiple slots so that the cards can intercommunicate, wherein the cards can include power supply cards. Furthermore, hot insertion (hot swap) is supported by all cards. However, Struhsaker is silent on a protection switch controller card.

Although Chidambaran performs communication in an optical environment, Chidambaran does provide utilization of protective switching in a communication environment, wherein Chidambaran discloses protection switching as associated with the modules in a switching core, wherein port protection exist. Chidambaran further discloses a protection switching controller card having a protection switching controller (Fig. 3, col. 4, line 1-7, shelf control processor for controlling protection switching/protection switching controller).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement a protective switch controller as taught by Chidambarn with the teachings of Struhsaker for the purpose managing and further handling plurality of card modules.

Regarding claim 37, shelf configuration includes at least 5 slots for base station (remote) unit (col. 7, line 53-67).

Regarding claim 38, Struhsaker further discloses the in providing fault monitoring utilizing LED indicators associated with shelf activity (col. 8, line 40-55).

Regarding claim 40, Struhsaker further discloses the in providing fault monitoring, remote base station shelf unit has input/output connections for remote slots and redundant redundant remote slots (col. 8, line 5-55, dual redundant power supplies are provided at the slots associated on the backplane).

***Allowable Subject Matter***

1. Claims 1, 2, 4, 5, 7-9, 11-35, 47 and 49-70 are allowed over prior art.
2. The following is an examiner's statement of reasons for allowance:

The prior art fail to teach or suggest fairly, with respect to claims 1 and 8, management unit coupled to control the multiplexer and the remote circuit, the management unit having a memory to store switching data, with respect to claim 11, a controller card coupled to control the plurality of relays, wherein the control card is coupled to receive control signals from management unit, with respect to claim 22, the remote circuit having a switch relay for each standard transmission path, each switch relay is coupled to an associated standard transmission path, each switch relay having a first position to provide a connection to a subscriber and a second position to provide a connection to a redundant transmission path, with respect to claim 29, a management unit to control the output of the multiplexer and the relays, wherein when the management unit detects a line unit coupled to a faulty transmission line an output of the multiplexer assigned to the line unit coupled to the faulty transmission line is detected to an associated redundant line unit instead, with respect to claim 39, the remote unit card and the protection remote unit card has a input connection positioned adjacent an associated opening when selectably coupled in an a respective slot, with respect to claim 47, replacing faulty transmission path with a plurality of relays at a remote circuit, with respect to claim 57, coupling the redundant transmission path to an end portion of the standard transmission path with errors at the remote circuit, wherein the signals directed to the standard transmission path with errors are routed around the standard transmission path, with respect to claim 66, a remote circuit including a remote protection remote unit card having a protection remote unit removable coupled in the protection remote unit slot and selectively coupling a

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protection switching controller in a protection controller slot, and selectively coupling a protection remote unit in a protection remote slot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones 

December 9, 2007

  
WING CHAN 12/10/07  
SUPERVISORY PATENT EXAMINER